

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Dennis G. Huckins

v.

Civil No. 11-cv-106-JD

Mark McSweeney and
Town of Sanbornton

Procedural Order

In its order dated August 13, 2012, granting in part and denying in part the defendants' motion for summary judgment, the court proposed to certify the question of the constitutionality of N.H. Rev. Stat. Ann. ("RSA") 507-B:2 and RSA 507-B:5 to the New Hampshire Supreme Court. The parties conferred and submitted a joint submission of issues and summary of facts for certification on August 27, 2012.

The court is aware of a recent order issued in the case of John Farrelly v. City of Concord et al., Civ. No. 10-cv-583-LM (D.N.H. Dec. 16, 2010), interpreting RSA 507-B:2 and RSA 507-B:5 in such a way that does not establish broad municipal immunity. Order dated September 27, 2012 (McCafferty, M.J.). Before certifying the question of the constitutionality of RSA 507-B:2 and RSA 507-B:5 to the New Hampshire Supreme Court, the court would like to discuss the parties' positions as to what effect, if any, the Farrelly order has on the plaintiff's claims in this case or the questions to be certified to the New Hampshire Supreme Court.

The parties shall confer and contact the deputy clerk, Debbie Eastman-Proulx, on or before **October 10, 2012**, to schedule a telephone conference to discuss the matter.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

October 4, 2012

cc: Charles P. Bauer, Esq.
Samantha Dowd Elliott, Esq.
Jason R.L. Major, Esq.